

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CASSANDRA TURNBULL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-02947
)	
NCB MANAGEMENT SERVICES, INC.,)	
)	
and)	
)	
SYNOVUS BANK,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1331, 1367, and 1441, Defendants NCB Management Services, Inc. (“NCB”) and Synovus Bank (“Synovus”) (collectively, “Defendants”) hereby remove the case styled *Cassandra Turnbull v. NCB Management Services, Inc.*, Cause No. 17L6-AC00978, from the Circuit Court of Lincoln County, Missouri, where the case is now pending, to the United States District Court for the Eastern District of Missouri, Eastern Division. Defendants state the following with respect to this Notice of Removal:

1. On November 10, 2017, Plaintiff Cassandra Turnbull (“Turnbull”) filed the Petition in the Circuit Court of Lincoln County, Missouri, naming NCB and Synovus as defendants. Turnbull alleges that World’s Foremost Bank (an alleged predecessor to Synovus) and NCB placed allegedly unauthorized calls to her cell phone beginning on May 16, 2017. *See* Petition, ¶¶23–24, 27–28, 34. The Petition brings three counts: (1) violation of the Telephone Consumer Protection Act of 1991, 47 U.S.C. §227, *et seq.* (“TCPA”); (2) violation of the Fair

Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (“FDCPA”); and (3) invasion of privacy – intrusion upon seclusion.

2. Turnbull served NCB with a summons and a copy of the Petition on November 29, 2017. Turnbull served Synovus with a summons and a copy of the Petition on November 30, 2017.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1446, as the United States District Court for the Eastern District of Missouri, Eastern Division, geographically embraces Lincoln County, Missouri, in which Plaintiff filed her state court action.

4. This action is removable pursuant to 28 U.S.C. §1441(a) because it is within the Court’s jurisdiction under 28 U.S.C. §1331, in that the Petition raises federal questions under the TCPA and FDCPA in Counts I and II, and under 28 U.S.C. §1367(a), in that the Court has supplemental jurisdiction over Turnbull’s invasion of privacy – intrusion upon seclusion claim in Count III.

I. Removal Is Timely.

5. Under 28 U.S.C. §1446(b)(1), “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based....”

6. This Notice of Removal is filed within 30 days of November 29, 2017, the date on which NCB was served with the summons and the Petition, and within 30 days of November 30, 2017, the date on which Synovus was served with the summons and Petition. Accordingly, Defendants’ removal is timely.

II. More Than One Federal Question Exists.

7. Count I of the Petition seeks damages for an alleged violation of the TCPA, a federal statute. *See* Petition, ¶¶1, 5, 11–16, 22, 35–39, 47–49. This Court has original jurisdiction over alleged violations of the TCPA. *See Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368 (2012); *Heller v. HRB Tax Group, Inc.*, No. 4:11CV1121 TIA, 2012 WL 163843 (E.D. Mo. Jan. 19, 2012).

8. Count II of the Petition seeks damages for an alleged violation of the FDCPA, a federal statute. *See* Petition, ¶¶2, 6, 17–19, 22, 40–41, 51. This Court has original jurisdiction over alleged violations of the FDCPA. *See* 15 U.S.C. §1692k(d).

9. A copy of this Notice of Removal will be filed in the Circuit Court of Lincoln County, Missouri and served upon Turnbull’s counsel.

10. Attached hereto at Exhibit A are true and correct copies of all process, pleadings, and orders on file in the Circuit Court of Lincoln County, Missouri.

WHEREFORE, Defendants NCB Management Services, Inc. and Synovus Bank hereby remove this case from the Circuit Court of Lincoln County, Missouri to this Court for all further proceedings, as provided by law, and pray that, pursuant to 28 U.S.C. §1446, the Circuit Court of Lincoln County, Missouri proceed no further unless and until such further order of this Court.

Dated: December 29, 2017

Respectfully submitted,

BRYAN CAVE LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of December, 2017, the foregoing was served via United States mail, first class postage prepaid, to the following counsel of record:

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Cassandra Turnbull

/s/ Jonathan B. Potts
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